



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 4

MEETING NEEDS

Direct payments

50 Direct payments to meet an adult's needs

- (1) Regulations may require or allow a local authority to make payments to a person towards the cost of meeting an adult's needs for care and support under section 35 or 36.
- (2) But regulations under subsection (1) may not require or allow such payments to be made unless condition 1 or 2 is met.
- (3) Condition 1 is that—
 - (a) the payments are to be made to the adult who has needs for care and support ("A"),
 - (b) A has, or the local authority believes that A has, capacity to consent to the making of the payments,
 - (c) the local authority is satisfied that—
 - (i) making the payments is an appropriate way of meeting A's needs, and
 - (ii) A is capable of managing the payments (either by himself or herself or with the support that is available to A), and
 - (d) A has consented to the making of the payments.
- (4) Condition 2 is that—
 - (a) the adult who has needs for care and support ("A") does not have, or the local authority believes that A does not have, capacity to consent to the making of the payments,

- (b) the payments are to be made to a person (“P”) other than A,
 - (c) P is a suitable person,
 - (d) the local authority is satisfied that—
 - (i) making the payments is an appropriate way of meeting A’s needs,
 - (ii) P is capable of managing the payments (either by himself or herself or with the support that is available to P), and
 - (iii) P will act in A’s best interests in managing the payments, and
 - (e) the necessary consent has been obtained to make the payments to P.
- (5) For the purposes of subsection (4)(c), P is a “suitable person”—
- (a) if P is authorised under the Mental Capacity Act 2005 (whether in general or specific terms) to make decisions about A’s needs for care and support,
 - (b) where P is not authorised as mentioned in paragraph (a), if a person who is so authorised agrees with the local authority that P is suitable to receive payments towards the cost of meeting A’s needs for care and support, or
 - (c) where P is not authorised as mentioned in paragraph (a) and there is no person who is so authorised, if the local authority considers that P is suitable to receive payments of that kind.
- (6) For the purposes of subsection (4)(e), the “necessary consent” means—
- (a) the consent of P, and
 - (b) where P is a suitable person by virtue of subsection (5)(b), the consent of a person authorised under the Mental Capacity Act 2005 (whether in general or specific terms) to make decisions about A’s needs for care and support.
- (7) A payment under this section is referred to in this Act as a “direct payment”.